

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Rural Development – National Rural Employment Guarantee Scheme – A.P. Social Audit Rules 2010 – Certain Amendments - Final Notification - Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (RD.II) DEPARTMENT

G.O.Ms.No. 148

Date:29.6.2011
Read the following:

1. G.O.Ms.No.317 PR & RD (RD.II) Dept., dt. 22-08-2008.
2. G.O.Ms.No.98 PR & RD (RD.II) Dept., dt. 09-03-2010.
3. G.O.Ms.No.52 PR & RD (RD.II) Dept., dt.26-02-2011.

ORDER:

Whereas, the Government have issued Rules for conduct of social audit of the works taken up under the National Rural Employment Guarantee Act, 2005 vide reference 2nd read above in order to ensure transparency and accountability in their implementation;

2. And whereas, sub-section (2) of section 32 of the National Rural Employment Guarantee Act, 2005 mandates that the State Government can make rules of "any other matter which is to be, or may be, prescribed, (wherein "Prescribed" means prescribed by rules made under this Act) or in respect of which provision is to be made by Central Government by rules" and sub-section (3) of section 23 of the National Rural Employment Guarantee Act, 2005 mandates that the State Government may, by rules, determine the arrangements to be made for the proper execution of Schemes and programmes under the Schemes to ensure transparency and accountability at all levels in the implementation of the Scheme;

3. And whereas, after implementing the social audit process in the manner prescribed by Government, certain suggestions have been made by the Society for Social Audit Accountability & Transparency (SSAAT), the agency for implementing the social audit and the District Water Management Agencies (DWMAs) which are entrusted with the implementation of the NREGA Scheme. The Government, after due consideration felt that the scheme of social audit needs to be amended to make it more representative, transparent and effective;

4. And whereas, a preliminary notification of the draft amendments to the aforesaid rules have been issued vide reference 3rd read above and after obtaining feedback from various quarters, and after considering the same in detail, the Rules have been finalized.

5. Accordingly, the following notification will be published in the Extraordinary Issue of the Andhra Pradesh Gazette, dated 29-6-2011.

FINAL NOTIFICATION

In exercise of the powers conferred by sub-section (1) of Section 32 read with sub-section (3) of Section 23 of the National Rural Employment Guarantee Act, 2005 (Act No.42 of 2005) and subparagraphs (14) and (16) of Paragraph 6 of the Andhra Pradesh Rural Employment Guarantee Scheme (APREGS) notified by the State Government in G.O.Ms.No.27, PR & RD (RD.II) Dept. dt.28.1.2006 and in G.O.Ms.No.550 PR & RD (RD.II) Dept. dt.6.12.2007, the Governor of Andhra Pradesh hereby makes the following amendments to the National Rural Employment Guarantee Scheme – A.P. Social Audit Rules, 2010 issued in G.O.Ms.No.98, PR & RD (RD.II) Dept. dt.9.3.2010.

In the said Rules for Rules 7, 8 and 9, the following new rules respectively shall be substituted namely.

"7. Social Audit process in the village:

- (1) *Prior to the start of social audit, there shall be an orientation programme with the Sarpanches and other people's representatives to explain the objectives of the social audit and to seek their participation in the programme.*

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- (2) *The quality control unit at the district level shall depute at least three Engineers to work as Technical Resource Persons in the Social Audit process.*
- (3) *During the social audit, in the village the following activities shall be undertaken:*
 - (a) *A thorough verification of Muster Roll entry and payments made in the time period specified for Social Audit by establishing contact with the wage seekers whose names are entered in the muster rolls;*
 - (b) *Verification of all the Works by going to the work site;*
 - (c) *Recording the written statements of the labourers on any issue as well as filling up of the Social Audit formats and writing reports.*
 - (d) *In case of any misappropriation of funds, both the persons responsible and the ultimate recipient of such funds shall be identified and indicted in the Report.*

8. Social Audit Ward Sabhas / Gram Sabhas:

- (1) *After completing the social audit, the social audit team shall hold a social audit Ward Sabha / Gram Sabha for which the date shall be fixed well in advance.*
- (2) *The Ward Sabha / Gram Sabha shall be conducted in the presence of an independent observer deputed by the District Collector who shall not be part of the National Rural Employment Guarantee Scheme (NREGS) implementing agency, and preferably of a cadre not less than that of a Tahsildar.*
- (3) *On every social audit finding, the Observer shall record, in writing, evidence of the job card holders and the version of the persons indicted in the social audit. Thereafter, statements so recorded shall be read over to the deponent and his/her signature obtained.*
- (4) *If any person aggrieved by the social audit finding desires, the Observer shall give an opportunity for re-examination of the issue in his presence.*
- (5) *The evidence so recorded shall not be reopened at the Mandal social audit public hearing.*

9. Mandal Social Audit Public hearing:

- (1) *After the Gram Sabhas/ward sabhas are held in all the villages, a social audit public meeting shall be held at the Mandal head quarters in the presence of wage seekers, Peoples' representatives, the official functionaries of the Employment Guarantee Scheme and the media.*

Provided that the presence of the wage seekers who have already testified in the Gram Sabha / Ward Sabha before the Observer is not compulsory at such a public hearing.
- (2) *District Programme Officer shall be responsible for making arrangements for the smooth conduct of the Mandal public hearing.*
- (3) *District Programme officer shall nominate a senior officer not less than the rank of the Additional District Program Coordinator for presiding over the public hearing.*
- (4) *The public hearing shall be conducted as follows:*
 - (a) *All the deviations found in the social audit shall be read out by the social audit team Gram Panchayat-wise.*

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(b) For each deviation pointed out by the social audit team, the Presiding Officer shall examine the evidence recorded by the Observer at the Gram Sabha / Ward Sabha and pass orders in each case in the open.

(c) No requests for re-examination of witnesses or re-enquiry shall be entertained in this hearing.

- (5) Immediately on conclusion of the Mandal Social Audit public hearing, the report of the social audit, along with the orders passed by the Presiding Officer, shall be sent to the District Vigilance Cells.*
- (6) The District Vigilance Cell is responsible for initiating action on all the persons indicted in the social audit within 3 days from the date of public hearing.*
- (7) Where disciplinary action has been ordered in the public hearing, such process shall be completed within 30 days from the date of completion of the social audit public hearing after following the due process outlined in the relevant rules.*
- (8) In cases of grave offences where any person is found to have misappropriated amounts exceeding Rs 1 lakh, the presiding officer shall order registering criminal case under relevant provisions of Indian Penal Code, in addition to departmental action if any. The case has to be filed by the Programme Officer in the Police Station and Additional Project Director (APD) shall monitor action in the matter.*
- (9) Where the persons found to have misappropriated funds repay the same in the public hearing, the same shall be deposited in the account designated by the Commissioner and a receipt issued to the person then and there. If the amounts so recovered rightfully belong to wage seekers, the same shall be returned to them within 7 days from the date of recovery of such money.*
- (10) In case the persons found guilty of misappropriation fail to repay the amounts, action as per the Andhra Pradesh Revenue Recovery Act, 1864 shall be taken for recovery of the amounts. Such process shall be completed within 12 months from the date of completion of the social audit public hearing."*

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R. SUBRAHMANYAM
PRINCIPAL SECRETARY TO GOVERNMENT (RD)

To

The Commissioner, Printing, Stationery and Stores Purchase (Printing wing) Printing Press, Chanchalguda, Hyderabad with a request to publish the Notification in the next issue of extraordinary Gazette and furnish 1000 copies to PR & RD (RD.II) Department.

The Commissioner, Rural Development, Hyderabad.

The District Collectors and District Programme Coordinators of 22 NREGS-AP Districts.

The Project Directors, DWMAAs and Addl. Dist. Programme Coordinators of 22 NREGS, AP., Districts.

The Project Directors, DRDAs and Addl. Dist. Programme Coordinators of 22 NREGS-AP., Districts.

The Chief Executive Officers, ZPs and Addl. Dist Programme Coordinators of 22 NREGA, AP Districts.

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The Project Officer, ITDA and Addl. Dist. Programme Coordinators of Warangal, Khammam, Adilabad, Vizianagaram, Mahabubnagar, Srikakulam, East Godavari, West Godavari and Visakhapatnam Districts.

The District Panchayat Officers of 22 NREGS-AP Districts

The Mandal Development Officers through Chief Executive Officers of 22 NREGS-AP Districts.

The Panchayat Secretaries of Gram Panchayat through Dist. Panchayat Officers of 22 NREGS-AP Districts.

The Commissioner, Panchayat Raj, AP., Hyderabad

The Commissioner, Tribal Welfare, AP., Hyderabad

The Commissioner, Social Welfare, AP., Hyderabad

The Managing Director, AP State SC Coop.Fin.Corpn.Ltd, Hyderabad

The Commissioner, AMR APARD, Rajendranagar, Hyderabad

Copy to:

The Executive Directors of District Scheduled Castes Cooperative Societies Ltd (22 NREGS-AP Districts)

The Accountant General, AP, Hyderabad

The Director of Treasuries and Accounts, A.P. Hyderabad

The Special Secretary to Chief Minister.

PS to Minister (PR, RWS & EG).

PS to Chief Secretary to Government./Law(A)Department

PS to the Principal Secretary to Government (RD)

The PR&RD (Genl) Department, (2 Copies).

Law (A) Department

//FORWARDED :: BY ORDER//

SECTION OFFICER